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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,101	10/17/2005	Arne B. Wallin	5146-06-14 (WALLIN-06.PCT)	2487
55678	7590	08/16/2010	EXAMINER	
Miltons IP/p.i. 225 Metcalfe Street Suite 700 Ottawa, ON K2P 1P9 CANADA			LAUX, JESSICA L	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			08/16/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,101	<b>Applicant(s)</b> WALLIN, ARNE B.	
	<b>Examiner</b> JESSICA LAUX	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-24 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-24 and 29-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/1/2010</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Acknowledgment is made of the amendment filed 6/1/2010. Accordingly the specification, drawings and claims have been amended. Claims 1-20 have been cancelled and claims 21-24, 29-40 have been added.

#### ***Response to Amendment***

The declaration under 37 CFR 1.132 filed 6/1/2010 is sufficient to overcome the rejection of claims 1-7,12,13,15-17 based upon Desjoyaux.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

Claim 24 is objected to because of the following informalities: the claim doesn't end with a period.

Additionally claims 25-28 are missing.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21-24, 30-33, 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (6244005) in view of Schultz (5511761).**

Claims 21, 22. Wallin discloses a preformed wall panel having base and top ends and two vertical side edges for installation on a supporting surface, comprising:

a) a wall portion (1) having a width and height and fitted on one side, the flange side, with a plurality of vertical flange forms (30; see at least figures 17, 18, 21) having an interior flange volume (31) for forming a flange on the wall portion when filled with binder material. Wallin discloses a footing but does not disclose how the footing was made/formed nor does Wallin expressly disclose a footing form as claimed, but does disclose two such panel positioned adjacent each other.

Schultz discloses a wall portion having a footing form (9) for providing a footing volume to be filled with binder material, the footing form being positioned adjacent to the base end of the wall panel and extending across the width of the wall panel to the respective vertical side edges of the wall panel (as seen in figures 1-2), the footing form further being:

i) attached to and extending laterally away from the wall portion on a flange side of the wall portion (where the side comprising members 19, 31 would be considered a flange side) so as to remain with the wall portion in such orientation once the footing volume has been filled with binder material (as seen in the figures and noted throughout the disclosure);

iii) downwardly open but upwardly closed (as seen in figures 1-2) for covering and confining such binder material between the footing form, the flange side of the wall portion and the supporting surface when the wall panel is installed on such supporting surface;

iv) open at the ends of the footing form that are adjacent to the respective vertical side edges of the wall panel (as seen in the figures and noted throughout the disclosure). Shultz further discloses two such portions be positioned adjacent each other.

At the time the invention was made it would have been an obvious matter of design choice to one of ordinary skill in the art to modify the wall panel of Wallin, including a footing, to have the footing formed by a footing form such as disclosed by Shultz so that it is attached to and positioned beneath and extending laterally from the flange forms to provide a wall assembly that is easy to construct; whereby footing form can be filled with binder material that serves as a footing along the base end of the panel, interconnected, covered, footing volume to extend between two adjacent wall panels (where Schultz disclose that the footing form attached to and positioned lateral of the wall portion and is open to the interior of the wall portion to allow the binder material to flow from one to the other creating a continuous wall/footing assembly).

Claim 23. A wall panel as in claim 22 comprising a trough form (10, 17, or 32) mounted along the top end of the wall portion defining a trough volume that communicates with said flange volume for receiving binder material at the same time that the flange and footing forms are being filled with binder material.

Claim 24. A wall panel as in claim 23 comprising reinforcing couplings (6,7,8) seated in and protruding from said wall portion into any one or more of said flange or footing (as seen in the figures and noted at least at Col. 4, lines 3-12).

Claim 30. A building wall comprising a plurality of panels as in claim 21 mounted on the supporting surface to form the building wall with adjacent vertical side edges of the respective wall panels abutting each other, wherein the footing forms of the respective panels are aligned to provide against said supporting surface a series of continuous, interconnected, covered footing volumes extending along the plurality of wall panels whereby the footing forms can be filled with a continuous volume of binder material that serves as the footing for the building wall (as noted above where both Wallin and Schultz disclose having adjacent members positioned for creating a continuous wall and where Schultz disclose having the footings positioned adjacent for having a continuous interconnected footing volume).

Claim 31. A building wall as in claim 30 wherein the panels comprise a trough form (10,17 or 32) mounted along the top end of the wall portion defining a trough volume that communicates with said flange volume for receiving binder material at the same time that the flange and footing forms are being filled with binder material and wherein the wall panels define a closed perimeter building wall and the flange sides of the wall panels are inwardly directed into the interior of the wall perimeter (as noted throughout the disclosure of Wallin).

Claim 32. A building wall as in claim 31 comprising reinforcing couplings (8) seated in and protruding from said wall portions into said footing volumes to position and support reinforcing rod to be placed within said volumes in combination with reinforcing means laid in the interconnected footing volumes bridging between adjacent footing volumes of adjacent wall panels to become embedded therein once the forms

Art Unit: 3635

are filled with binder material, the reinforcing means being positioned and supported by the reinforcing couplings (as noted in the drawings and throughout the disclosure).

Claim 33. A building wall as in claim 32 having vertical half-flange forms (30A) mounted on said wall portions along the two vertical side edges of the wall portions, the outer edge of at least one of said half-flange forms having at least portions of its surface extending to overlap and permit coupling to an adjacent half flange form when two of said wall panels with half flange forms are abutted together, thereby defining a single, common flange form volume (as seen in figure 21).

Claims 37, 39. A wall panel as in claims 21 or 30 wherein the wall portion is made of concrete (Col. 3, lines 65-66 of Wallin).

Claims 38, 40. A wall panel as in claims 37 or 40 further comprising concrete as the binder material present in the flange and footing form volumes (Col. 3, lines 65-66 of Wallin).

**Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (6244005) in view of Shultz (5511761) and further in view of Betzler (1834892).**

Claim 36. Wallin in view of Shultz discloses the building wall as in claim 30 wherein the wall panels comprise a trough form (10,17 or 32) mounted along the top end of the wall portion defining a trough volume that communicates with said flange form volumes for receiving binder material at the same time that the flange and footing forms are being filled with binder material (as noted throughout the disclosure of Wallin);

but Wallin in view of Shultz does not disclose that the wall panels serve as first and second tiers in a multiple tiered wall.

Betzler discloses a wall system where the wall is a multiple tier wall having a second panel overlying a first panel to form the tiers (as seen in the figures and noted throughout the disclosure).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall system of Wallin in view of Shultz to be a multiple tier wall system having one panel overlying a another panel as disclosed by Shultz (where the footing form of the upper panel would overly the trough form of the lower panel) to form a wall panel able accommodate varying heights such as a two story building.

**Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin (6244005) in view of Shultz (5511761) and further in view of House (5588786).**

Claim 34. Wallin in view of Shultz discloses the building wall as in claim 30 as above including vertical half-forms (30A) mounted along said abutting vertical side edges; but does not disclose two adjacent wall panels meet at an angle and further comprise a corner piece having vertical faces shaped to abut the vertical side edges of adjacent wall panels; and further comprising a joiner piece for joining said respective half-forms, the corner piece, vertical side edges of adjacent wall panels, vertical half-forms and joiner piece defining a vertical cavity that communicates with the footing volume for receiving binder material.



House discloses a wall panel system having multiple adjacent wall panels with flange forms having vertical half forms, where the adjacent wall panels meet at an angle forming a corner and further having a corner pieces (88,108) that abut the vertical side edges of adjacent wall panels and further comprise a jointer piece (112) where the corner pieces, joiner piece and half flange form define a vertical cavity (as seen in figure 7).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the wall system of Wallin in view of Shultz to accommodate a corner construction such as disclosed by House to provide a wall assembly that forms various shapes and designs making it versatile for use in building structures having multiple angled walls.

**Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin in view of Shultz and further in view of House (5588786) and further still in view of Babcock (6256960).**

Claim 35. Wallin in view of Shultz and further in view of House disclose the building wall as in claim 34 but does not disclose at least one positioning plate with upwardly bent plate flanges for positioning beneath and aligning said corner piece, said plate flanges embracing portions of the base ends of said respective abutting wall panels.

Babcock discloses a building wall assembly having at least one positioning plate (13) with upwardly bent plate flanges (16) for positioning beneath and aligning the wall parts (Col. 5).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the invention of Wallin in view of Shultz and further in view of House to include the positioning plate as disclosed by Babcock to assist in the placement of the wall and corner pieces thereby reducing misalignment.

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallin in view of Shultz and further in view of Walston (4512126).**

Claim 29. Wallin in view of Shultz disclose the wall panel as in claim 24 but do not disclose a beam support post as claimed.

Walston disclose a wall panel having a beam support post (generally at 8 of figure 3 and noted at ) fitted to said wall portion, said beam support post being notched at its upper end (at 22 of figure 3), below the top end of the wall panel, to receive the end of a beam (34).

At the time the invention was made it would have been obvious to one having ordinary skill in the art to modify the invention of Wallin in view of Shultz to have a further flange for forming a support post for supporting a beam where the post (and form for forming the post) have a notch for accommodating the beam as disclosed by Walston thereby allowing the wall structure to be incorporated with additional structure in the building to provide a secure and strong building able to resist forces.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3635

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/J. L./  
Examiner, Art Unit 3635